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source and a PTI application was required prior to its installation in July of 1999. Failure to obtain a PTI prior to installation of a new air contaminant source is a violation of OAC Rule 3745-31-02(A)(1) and Ohio Revised Code (ORC) Sections 3704.05(F) and (G). CLAA again requests that a PTI application be submitted for this new air contaminant source.

**Failure to submit a permit-to-install (PTI) application for emissions unit P001**

In its NOV, CLAA stated that Morgan was required to submit a PTI application for emissions unit P001, Nyro Spray Dryer. CLAA has reviewed the 10/30 Response and determined, based on the information provided, that some of the control equipment for emissions unit P001, Bickley Ceramic Kiln and Powder Prep. Tempress Furnace (VPD-32), was replaced. Since the only items replaced were control equipment, specifically a new wet scrubber, cyclone, and pulse-jet baghouse replaced an older wet scrubber, cyclone, and wet scrubber (as stated in the 10/30 Response), these changes to emissions unit P001 did not meet the definition of modification established in OAC Rule 3745-31-01(AAA), and a PTI application is not required at this time. If Morgan changes aspects in part or entirety of P001 such that a modification, as defined in OAC Rule 3745-31-01(AAA) occurs, a PTI application is required to be submitted by OAC Rule 3745-31-02(A)(1) and a PTI issued before such changes occur.

**Establishment of emissions unit P001 as "de minimus"**

The PTI applications submitted by Morgan on January 28, 2002, identified emissions unit P001 as, "Nyro spray dryer, screen deck, product hopper, cyclone, and pulse-jet baghouse." Although the Nyro spray dryer, screen deck, product hopper, cyclone, and pulse-jet baghouse parts of P001 were stated to be de minimus in CLAA's April 3, 2002, letter returning the PTI application, prior permit applications from Morgan and permits issued by Ohio EPA establish that emissions unit P001 includes additional parts besides those identified by Morgan in the PTI application. By letter dated May 18, 1982, CLAA requested that Morgan submit an updated PTO application that contained the additional parts of the overall process of manufacturing PZT Transducers associated with the Bickley Bisque Kiln. Thus CLAA's April 3, 2002, letter establishing de minimus is only with regard to the description of P001 in Morgan's PTI application and not emissions unit P001 in its entirety.

Morgan supplied potential emissions calculations on April 8, 2003, as part of its notification to CLAA that it is has presumed inherent physical limitations and is not subject to Title V permitting requirements, as outlined in Ohio EPA Engineering Guide 61. These calculations show the potential emissions of particulates to be in excess of 227 tons per year (tpy) and of lead to be in excess of 105 tpy. According to Morgan, these potential emissions were calculated using 1993 test data of uncontrolled emissions.

ORC Section 3704.011(A) and OAC Rule 3745-15-05(B), (de minimus exemption), establish, in part, that an air contaminant source is exempt from ORC Chapters 3704 and any rules adopted under it (OAC Chapter 3745), if the emissions of particulate matter or lead do not exceed ten pounds per day, provided that potential emissions from the source of any air contaminant shall not exceed twenty-five tpy.



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Emissions unit P001 (as a combination of all processes and not just the specific subset identified in the January 28, 2002 PTI application) cannot qualify as de minimus as the potential emissions of particulate matter and lead each exceed 25 tons per year from this source. Further, except as noted above, CLAA has never identified P001 as de minimus. The Ohio EPA has issued permits-to-operate (PTOs), developed by CLAA, for emissions unit P001 on August 1, 1975; April 4, 1980; April 4, 1983; and November 7, 1986 before finally placing the December 11, 1989, PTO application on registration status in accordance with OAC Rule 3745-35-05(B).

ORC Section 3704.011 was passed by the Ohio Legislature in 1993 and became effective on October 29, 1993 (and was further revised and effective July 22, 1994). OAC Rule 3745-15-05 became effective on April 20, 1994 (and was further revised and effective November 18, 1994, and February 3, 2000). Therefore, the assertion in the 10/30 Response that Ohio EPA and CLAA have reviewed these PTO applications and consistently and independently viewed emissions unit P001 as de minimus and not required to submit or obtain a PTO is incorrect because the rules establishing the de minimus exemption did not exist when CLAA or Ohio EPA issued its last final determination of notification of registration status on July 16, 1992.

#### **Establishment of emissions unit P001 as insignificant**

Insignificant emissions units are defined in OAC Rule 3745-77-01(U), in part, as emissions units that are:

- (1) Excluded from the requirements to obtain installation permits or operating permits under ORC Section 3704.011 or OAC Chapters 3745-15, 3745-31, or 3745-35;
- (3) Any emissions unit with uncontrolled potential emissions of five tons or less per year of any regulated air pollutant or twenty percent of an applicable major source threshold under the Clean Air Act Amendments of 1990;

Since emissions unit P001 does not qualify for the de minimus exemption contained within ORC Section 3704.011 and/or OAC Chapter 3745-15 and does not qualify for any other type of permit exemption contained within OAC Chapters 3745-31 or 3745-35, it cannot be classified as an insignificant emissions unit excluded from the requirements to obtain an installation or operating permit. Additionally, the uncontrolled potential emissions, as defined in OAC Rule 3745-77-01(MM) require the uncontrolled potential emissions to be calculated as an annual emissions rate without any air pollution controls assuming twenty-four hours per day and three hundred sixty-five days per year of operation. As established before, the uncontrolled potential to emit for emissions unit P001 is in excess of 227 tpy of particulate emissions and 105 tpy of lead emissions; therefore this source cannot be classified as insignificant and must be included as non-insignificant in any Title V permit application.

#### **Failure to submit an Ohio EPA Title V Application**

CLAA agrees with the statements in the 10/30 Response regarding the submission of an original Title V permit application in September, 1996, and their subsequent request for its withdrawal by letter from Morgan dated February 6, 1998. This Title V permit application (Control Number 000003531) was withdrawn and a letter was issued by CLAA on February 18, 1998 advising Morgan that these actions were being taken. Both the February 6, 1998 Title V permit application withdrawal letter and 10/30 Response assert that Morgan is not subject to the Title V permitting requirements of OAC Rule 3745-77-02 and 40 CFR 70 Subpart Section 70.5(a) and



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emissions inventories have been submitted by Morgan to CLAA as validation for this claim. The emissions inventories submitted, however, calculated the emissions of criteria pollutants (specifically volatile organic compounds – VOC, particulate matter – PM, and lead) and hazardous air pollutants (specifically perchlorethylene – PERC and lead compounds) based on average actual hourly emissions extrapolated to 8,760 hours per year. When the potential emissions are calculated in this manner, the facility's potential emissions and actual emissions are both less than twenty percent of an applicable major source threshold, as Morgan declared in their April 8, 2003, letter stating that the facility has presumed inherent physical limitations in accordance with Engineering Guide #61 and is not subject to Title V permitting requirements. Additionally, Morgan submitted actual emissions calculations on February 6, 1998, which showed that their annual emissions were less than twenty percent of an applicable major source threshold, which was their basis for the request to withdraw the Title V permit application (Control Number 000003531).

40 CFR 63, Subpart T Section 63.465(e)(1) states that each owner or operator of a halogenated solvent cleaner, including vapor degreasers using PERC, (a hazardous air pollutant - HAP), shall determine their potential to emit from all solvent cleaning operations using the procedures described in paragraph (e)(1) through (e)(3) of this section. The sum of the HAPs from each solvent cleaning operation and all other HAP emitting sources would be the facility's total HAP potential to emit. The methods used by Morgan to determine the potential to emit for PERC in the 10/30 Response, the April 8, 2003, letter, and the February 6, 1998, withdraw request are not calculated in accordance with 40 CFR 63 Subpart T, Section 63.465(e)(1). Specifically, the potential to emit of HAP for a single vapor degreaser must be calculated according to the following equation (copied in part from 40 CFR 63 Subpart T, Section 63.465(e)):

$$PTE_i = H_i * W_i * SAI_i$$

Where:

$PTE_i$  = potential to emit for the solvent cleaning machine i (kilograms of solvent per year)

$H_i$  = Hours of operation for solvent cleaning machine i (hours per year)  
*8760 hours per year, or other Federally enforceable requirement*

$W_i$  = Working mode uncontrolled emissions rate (kilograms per square meter per hour)  
*1.95 kilograms per square meter per hour for batch vapor machines*

$SAI_i$  = Solvent/air interface of the solvent cleaning machine i (square meters)

Sum the  $PTE_i$  for all solvent cleaning operations to obtain the total potential to emit for solvent cleaning operations at the facility.

Since 40 CFR 63, Subpart T defines how potential to emit is to be calculated, Engineering Guide #61 cannot be used since it does not contain Federally enforceable limitations restricting the hours of operation or emissions within the requirements of 40 CFR 63, Subpart T. Also, 40 CFR 63 Subpart T, Section 63.468(j) states that any owner or operators of any solvent cleaning machine that is itself a major source or is located at a major source, is subject to Title V permitting requirements. Therefore, Morgan cannot claim it has any presumed inherent physical limitations and is subject to Title V permitting requirements.



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Since Morgan has not calculated their potential emissions of PERC to date using the equations and methods contained in 40 CFR 63, Subpart T, CLAA continues to assert the following:

1. Morgan is subject to the Title V permitting requirements of OAC Rule 3745-77-02(B) for its initial operations, as it was a major source of HAPs (defined in OAC Rule 3745-77-01(W)(1)), and a completed Title V permit application was required to be submitted by September 30, 1996. Morgan has violated OAC Rule 3745-77-04(B), ORC Sections 3704.036(C), 3704.05(F), (G), and (J)(2), and 40 CFR 70 Section 70.5(A)(1) since September 30, 1996, because it requested that CLAA withdraw its initial Title V application (Control Number 000003531) on February 6, 1998.
2. Morgan's installation of a new major source of HAPs (Baron Blakeslee Open Top Vapor Degreaser – L001) in December of 1997 required a completed Title V permit application to be submitted by December of 1998. Morgan has violated OAC Rule 3745-77-04(D), ORC Sections 3704.036(C), 3704.05(F), (G), and (J)(2), and 40 CFR 70 Section 70.5(A)(1) since December of 1998.
3. Morgan's installation of a new major source of HAPs (Finishing Equipment 6342 Vapor Degreaser – replace P019) in July of 1999 required a completed Title V permit application to be submitted by July of 2000. Morgan has violated OAC Rule 3745-77-04(D), ORC Sections 3704.036(C), 3704.05(F), (G), and (J)(2), and 40 CFR 70 Section 70.5(A)(1) since July of 2000.

#### **Failure to pay associated Title V fees**

Since Morgan is a Title V major facility and required to submit a Title V permit application, it is also required to submit Title V fee emissions reports. CLAA has no record of any Title V fee emissions reports being submitted or Title V fees being paid. Failure to submit Title V fee emissions reports is a violation of OAC Rule 3745-78-02(A) and ORC Sections 3745.11(C)(1) and 3704.05(G), since June 15, 1994 and ORC Sections 3745.111(A) and 3704.05(G) since May 1, 1993.

#### **Exceedance of the three month rolling average emission limitations**

CLAA agrees with the 10/30 Response and looks forward to reviewing the results of Morgan's root cause investigation.

#### **Request for information**

CLAA accepts the information submitted with the 10/30 Response, however, continues to insist that a completed PTI application for Finishing Equipment 6342 Vapor Degreaser (which replaced P019) is required, for reasons outlined in the appropriate section of this letter. CLAA does not require a PTI application for emissions unit P001, also for reasons outlined in the appropriate section of this letter.

The Cleveland Division of Air Quality is the appropriate permitting authority for permit applications. ORC Section 3704.111 states that the Director of Ohio EPA shall enter into delegation agreements with each local air pollution control authority contained within division 3704.01(N). The Cleveland Division of Air Quality is the successor of the Cleveland Division of Environment with regard to air pollution control within Cuyahoga County and our operating contract with the Director reflects this. The Ohio EPA refers to the Cleveland Division of Air Quality as the Cleveland Local Air Agency (CLAA), and the Director's delegation extends to giving CLAA the ability to accept permit applications to draft permits. The only permit



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application that is not sent directly to CLAA would be a Title V permit application, which is submitted to CLAA / Ohio EPA through STARShip, as required by OAC Rule 3745-77. The hardcopy of the electronic STARShip receipt of a permit application with an original signature of the responsible official is required to be submitted to CLAA as proof that the permit application was submitted through STARShip. Therefore, CLAA disagrees with Morgan's statement that our office is not the appropriate permitting authority and requests that all future air pollution control permit applications, correspondence, and reports be submitted to CLAA, unless otherwise specifically directed by Ohio EPA or CLAA.

CLAA has included additional information within this letter to explain why it asserts that Morgan is subject to the Title V permitting requirements and is required to submit a Title V permit application. CLAA's NOV specifically states that it requests Morgan address the violations contained within the NOV and submit additional information within 14 days of their receipt of the NOV. Morgan submitted a response within 14 days from their receipt (which occurred on October 20, 2003), and CLAA is issuing this letter to provide additional information and clarity to Morgan. There is no record of CLAA requiring Morgan to submit any completed Title V permit applications within 14 days.

CLAA also wishes to resolve this matter as expeditiously and appropriately as possible, however, disagrees with Morgan's allegations that there are or were any inaccuracies or misinterpretations in our NOV. The NOV was issued with the information that was available to CLAA at the time the NOV was issued, including information submitted by Morgan as a result of our inspection and other requirements. This letter reflects some changes from the original NOV due to additional information being submitted by Morgan as a result of the NOV, however, CLAA recognizes that Morgan may want even more clarification. Please contact Mrs. Valencia White at 216-664-2953 or [vpillow@city.cleveland.oh.us](mailto:vpillow@city.cleveland.oh.us) or at the Cleveland Division of Air Quality, 1925 St. Clair Avenue, Cleveland, OH 44114 to arrange a meeting to discuss these issues.

CLAA issues this letter with Ohio EPA's concurrence and does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or USEPA for further enforcement action. Should you have any questions, please call Valencia White at (216) 664-2953. All correspondence with CLAA must include the Ohio EPA facility identification number for Morgan Electro Ceramics, Inc.: 13-18-03-1627.

Sincerely,

George Baker  
Chief of Enforcement, CLAA

GB/vw

cc: Peter Morten, Morgan (Certified Mail # 7002 0510 0002 2427 7737)



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